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09/901,416	07/09/2001	Guoqiang Xing	TI-31729	7364	
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P O BOX 65 DALLAS, T	5474, M/S 3999 X 75265	NGUYEN, THANH T			
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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Communication appears on the cover sh et with the corresponding address The REPLY FILED 19 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandomment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either; (1) at timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal feet; or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.130 flag only be either; (1) at timely filed amendment which places the application in Condition for allowance; (2) at least of the Abandom of the properties of the Abandom of the REPLY (check either a) or b)	7	*	Application No.	Applicant(s)	uv				
### Examiner Than T. Nguyen ### Than Than Than Than Than Than Than Than	Advisory Action		09/901,416	XING ET AL.					
The MAILING DATE of this communication appears on the cover sh at with th correspondenc address THE REPLY FILED 19 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper Note in final rejection under 37 CFR 1.113 may only be either; (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY (check either a) or b)] a) The period for repty expires 4 monits from the mailing date of the final rejection. b) The period for repty expires 4 monits from the mailing date of the final rejection. The period for repty expires 4 monits from the mailing date of the final rejection. b) The period for repty expires 4 monits from the mailing date of the final rejection. The period for repty expires 4 monits from the mailing date of the final rejection. PERIOD FOR REPLY (Check either a) or b)] a) The period for repty expires 4 monits from the mailing date of the final rejection, whichever is later. In no expire the final rejection is the period of expire the final rejection, whichever is later. In no expire the final rejection is the period of expire the file of the final rejection. The period of expire the file of the final rejection. The period for repty expires 5 determining the period of extension and the corresponding amount of the final rejection. See MPEP 708.07(i). The period for papeal was filed on			Examiner	Art Unit					
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Continuation of 5. does NOT place the application in condition for allowance because: In respons to applicant's argument that photoresist layer 2 is present during the tch proc ss in Flanner's teaching. Since, comprises claims leave the claims open for inclusion of additional process steps and conditions in the claimed methods, even between the enumerated process steps, which do not int rfere with the order of the process steps as set forth in the claimed invention, hence, the presence of photoresist layer 2 formed over hardmask layers 4 and 6 during the etch process in Flanner's teaching does not prevent or exclude the masking function of hardmask lay rs 4 and 6 during the etch process to form a trench in the second dielectric layer 8. There is not seen the layer 60 serves as the mask during the etch process and functions as a hard mask of the claimed invention is distinguishable from the masking function of hardmask layers 4 and 6 of cited reference Flanner during the etch process to form a trench in the second dielectric layer.